	90 1 of 14 Page D 47040
Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Partorney or Party Without attorney (Name, State Bar number, and address)	GE 1 01 14 FOR COURT USE ONLY
- Gary L. Chambers, Esq. 86076	
CHAMBERS & NORONHA	
2070 North Tustin Avenue	
Santa Ana, California 92705 TELEPHONE NO 714/558-1400 FAX NO (Optional) 714/558-0885	
1 1 0 1 1	
attorney for (Name): Plaintiffs	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE	
STREET ADDRESS 700 Civic Center Drive West	
MAILING ADDRESS Santa Ana, California 92701	
CITY AND ZIP CODE:	
BRANCH NAME Central Justice Center	
PLAINTIFF: MARILE ARAGON, RODNEY ARAGON	
DEFENDANT: JOHNSON & JOHNSON, INC., DEPUY SYNTHES,	
SEE ATTACHED FOR ADDITIONAL DEFENDANTS	
X DOES 1 TO 100, Inclusive	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death	
AMENDED (Number): First	
Type (check all that apply):	
MOTOR VEHICLE X OTHER (specify): Products Liability	
Property Damage Wrongful Death	
Personal Injury Other Damages (specify):	
Jurisdiction (check all that apply):	CASE NUMBER
ACTION IS A LIMITED CIVIL CASE	
Amount demanded does not exceed \$10,000	
exceeds \$10,000, but does not exceed \$25,000	
ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)	
ACTION IS RECLASSIFIED by this amended complaint	
from limited to unlimited	
from unlimited to limited	
from unlimited to limited	
Plaintiff (name or names): MARILE ARAGON, RODNEY ARAGON	
1. Plaintiff (name or names): MARILE ARAGON, RODNEY ARAGON alleges causes of action against defendant (name or names): JOHNSON & JOHNSON	N, INC., DEPUY SYNTHES,
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Case 3:11-md-02244-K	Document 1261 Filed 10/11/22	Page 2 of 14 PageID 478UM-200(A)
SHORT TITLE:		CASE NUMBER
- ARAGON v. JOHNSON &	JOHNSON, et al	30-2017-00955879

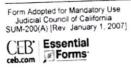
INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.

>	If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Partie Attachment form is attached."
List	additional parties (Check only one box. Use a separate page for each type of party.):
	Plaintiff
IN	PUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY ITERNATIOAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 to 0, INCLUSIVE

Page _____ of _

Page 1 of 1



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OHORT HILL.	d-02244-K Document 1261 Fi				PageID 47842	
	., v. JOHNSON & JOHNSON,	et al	. ,	30-2017-	-00955879	
 Plaintiff (name): is doing busines 	ss under the fictitious name (specify):					
	ed with the fictitious business name laws. ed above is a natural person				DEDUV ODBUODER	100
	ndant (name): JOHNSON & JOHNSON,	c. X	excep	t defendant (name):	DEPUY ORTHOPED	ics,
INC., and	d DOES 1 to 100, INCLUSIVE	_			o 100, Inclusiv	
	ousiness organization, form unknown		72,000		ization, form unknown	
(2) a c	corporation unincorporated entity (describe):		(2)		d entity (describe):	
(3) L an	unincorporated entity (describe).		(3)			
(4) 🔲 a p	public entity (describe):		(4)	a public entity (de	escribe):	
(5) o th	ner (specify):		(5)	other (specify):		
and DOE (1) (X) a b (2) (2) a c (3) (3) an	ndant (name): DEPUY SYNTHES, as 1 to 100, Inclusive susiness organization, form unknown corporation unincorporated entity (describe): sublic entity (describe): ser (specify):	d. 🖾	DOES (1) (2) (3) (4) (4)	S 1 to 100, a business organ a corporation	ization, form unknown	and
Information abo	ut additional defendants who are not natura	al persons is	contai	ned in Attachment 5		
6. The true names of d	efendants sued as Does are unknown to pl	aintiff.				
	ndants (specify Doe numbers): 1-100,				employees of other	
named de	efendants and acted within the scope of that ndants (specify Doe numbers): $1-100$,	t agency or	employ	ment.	canacities are unknow	n to
	idants (specify Doe numbers): 1-100,	THETUS	TVE	are persons whose	capacities are unknow	11 10
plaintiff. 7. Defendants who	are joined under Code of Civil Procedure	section 382	are (na	nmes):		
8. This court is the prop	per court because					
a. at least one	defendant now resides in its jurisdictional all place of business of a defendant corporati	area. ion or unino	ornorati	ed association is in i	ts jurisdictional area.	
b. the principa	I place of business of a defendant corporation or damage to personal property occurring	ed in its juri	sdiction	al area.	is junistrictional area.	
d. d other (speci		od III ko jak				
o. Caron topour	w.					
9. X Plaintiff is requi	ired to comply with a claims statute, and					
a X has complied	d with applicable claims statutes, or					
b. is excused fr	rom complying because (specify):					
	COMPLEMENT D	nal Injuny	Prope	erty		Page 2 of 3
PLD-PI-001 [Rev January 1, 2007]	COMPLAINT-Perso	nai injury, onaful Des	th	A D A C O M	Marile	

	Case 3:11-md-02244-K Document 1261 F	iled	10/1	1 /2 ') —	Pages 4 Met 14 PageID 47843	-PI-001
S	HORTTHEE:				_	30-2017-00955879	
4.	Plaintiff (name): is doing business under the fictitious name (specify):					Page Three	
5.	and has complied with the fictitious business name laws. Each defendant named above is a natural person a.	c.	\S	SER!	VICES	JOHNSON & JOH efendant (name): s, INC., and DOES 1-100, Inclusive a business organization, form unknown a corporation an unincorporated entity (describe): a public entity (describe): other (specify):	INSON
	b. Except defendant (name): LIMITED, and DOES 1-100, Inclusive (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): (4) a public entity (describe): (5) other (specify):	d		(1) (2) (3) (4) (5)		efendant (name): a business organization, form unknown a corporation an unincorporated entity (describe): a public entity (describe): other (specify):	
 7. 	Information about additional defendants who are not nature. The true names of defendants sued as Does are unknown to parameted a. Doe defendants (specify Doe numbers):	at age	f. ncy or	emp	w loym ai	ere the agents or employees of other ent. re persons whose capacities are unknow	n to
8.	This court is the proper court because a. at least one defendant now resides in its jurisdictional b. the principal place of business of a defendant corpora c. injury to person or damage to personal property occur d. other (specify):	tion o	r uninc	orpo sdict	rated	association is in its jurisdictional area. area.	
9	Plaintiff is required to comply with a claims statute, and a. has complied with applicable claims statutes, or b. is excused from complying because (specify):						
				Des	nor	N	Page 2 of 3

SHORFARE 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 5 of 14 PageID 47844 ARAGON, et al., v. JOHNSON & JOHNSON, et al., xxx 30-2017-00955879
ARAGON, et al., v. JOHNSON & JOHNSON, et al., xxx 30-2017-00955879 10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached): a.
11. Plaintiff has suffered a. \(\times \) wage loss b. \(\times \) loss of use of property c. \(\times \) hospital and medical expenses d. \(\times \) general damage e. \(\times \) property damage f. \(\times \) loss of earning capacity g. \(\times \) other damage (specify): By reason of the said injuries suffered and sustained by plaintiff's wife, plaintiff has been deprived of love, companionship, affection, society, sexual relations, and solace of said wife, all to plaintiff's further damage.
 The damages claimed for wrongful death and the relationships of plaintiff to the deceased are a. listed in Attachment 12. b. as follows:
13. The relief sought in this complaint is within the jurisdiction of this court.
 14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for a. (1) compensatory damages (2) punitive damages The amount of damages is (in cases for personal injury or wrongful death, you must check (1)): (1) according to proof (2) in the amount of: \$ Judgment for prejudgment interest at 10% per annum pursuant to CC Section 3291. 15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
Date: September 30, 2022
GARY L. CHAMBERS (SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 [Rev January 1, 2007]

CEB' Essential

ESForms

COMPLAINT-Personal Injury, Property Damage, Wrongful Death

ARAGON, Marile

XX909/2/X1 3

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 6 of 14 PageID 47845
ARAGON, et al., v. JOHNSON & JOHNSON, et
FIRST CAUSE OF ACTION- Products Liability Page Five (number) ATTACHMENT TO X Complaint Cross-Complaint (Use a separate cause of action form for each cause of action.)
Plaintiff (name): MARILE ARAGON, RODNEY ARAGON
Prod. L-1. On or about (date): January 4, 2017 plaintiff was injured by the following product:
SEE ATTACHMENT PROD. L-1
Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being X used in the manner intended by the defendants. X used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given. Prod. L-3. Plaintiff was a X user of the product. user of the product. other (specify):
PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:
Prod. L-4. Count One-Strict liability of the following defendants who a. manufactured or assembled the product (names): JOHNSON & JOHNSON, INC., DEPUY SYTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** Does 1 to 100, Inclusive b. designed and manufactured component parts supplied to the manufacturer (names):
JOHNSON & JOHNSON, INC., DEPUY SYTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** \[\times \text{Does} \text{100,} \text{Inclusive} \]
c. Sold the product to the public (names): JOHNSON & JOHNSON, INC., DEPUY SYTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** Does 1 to 100, Inclusive
Prod. L-5. X Count Two-Negligence of the following defendants who owed a duty to plaintiff (names): JOHNSON & JOHNSON, INC., DEPUY SYTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** X Does 1 to 100, Inclusive
Prod. L-6. X Count Three-Breach of warranty by the following defendants (names): JOHNSON & JOHNSON, INC., DEPUY SYTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** X Does to 100, Inclusive a. X who breached an implied warranty b. X who breached an express warranty which was
Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are listed in Attachment-Prod. L-7 as follows:

Page 1 of 1

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 7 of 14 PageID 47846-200(A) SHORT TITLE:

ARAGON v. JOHNSON & JOHNSON, et al

30-2017-00955879

INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.

If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties

Attachment form is attached."						
List additional parties (Check only one box. Use a separate page for each type of party.):						
Plaintiff						
DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIOAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 to 100, INCLUSIVE						
•						

Page	of	
		Page 1 of 1

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 8 of 14 PageID 47847_{MC-025}

SHORT TITLE: ARAGON, et al., v. JOHNSON & JOHNSON, et al., CASE NUMBER

ATTACHMENT (Number):

(This Attachment may be used with any Judicial Council form.)

FIRST CAUSE OF ACTION - PRODUCTS LIABILTY

Page Six

ATATCHMENT TO COMPLAINT

PROD. L-1 continued:

At all times herein mentioned, defendants, JOHNSON & JOHNSON, INC., DEPUY SYNTHES, DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIONAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 to 100, Inclusive, and each of them, owned, maintained, serviced, leased, repaired, licensed, manufactured, distributed, wholesaled, marketed, designed, sold and supplied component parts for the Depuy Pinnacle Grip-Cup 56.

On or about the 4th day of January, 2017, the aforementioned product(s) was in use having been surgically placed on December 28, 2012.

At said time and place and while the product(s) were being used in a reasonably foreseeable manner, said products failed and the plaintiff, MARILE ARAGON, was injured as a direct and proximate result thereof, resulting in severe and serious injury to her person, all to her damage in a sum within the jurisdiction of this court, and to be shown according to proof.

The direct and proximate cause of said failure and plaintiff's injury was a defect in the design, manufacture, production, and installation of said product (s).

The direct and proximate cause of the failure of said product(s) was the negligence, carelessness, unlawfulness, recklessness, and wantonness of the defendants, and each of them, in the manner in which they designed, manufactured, marketed, distributed, installed, inspected, purchased, maintained, controlled, and handled said products.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ___ _ of (Add pages as required)

www.courtinfo.ca.gov

Form Approved for Optional Use Judicial Council of California MC-025 [Rev. July 1, 2009] CEB Essential

ceb.com Forms

ATTACHMENT to Judicial Council Form

ARAGON, Marile

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 9 of 14 PageID 47849-001(6)

SHORT TITLE:

ARAGON, et al., v. JOHNSON & JOHNSON, et

CASE NUMBER

30-2017-00955879

Exemplary Damages Attachment

Page Seven

ATTACHMENT TO X Complaint Cross-Complaint	
EX-1. As additional damages against defendant (name): JOHNSON & JOHNSON, INC., DEPUY SYNTHES, **SEE ATTACHED FOR ADDITIONAL DEFENDANTS** Plaintiff alleges defendant was guilty of malice fraud oppression as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, dat to make an example of and to punish defendant.	nages

EX-2. The facts supporting plaintiff's claim are as follows:

Plaintiff, MARILE ARAGON, incorporates by reference the allegations contained in the First Cause of Action, and each and every part thereof with the same force and effect as though set out at length herein.

At all times herein mentioned, defendants, JOHNSON & JOHNSON, INC., DEPUY SYNTHES, DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIONAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 through 100, Inclusive, owned, maintained, serviced, leased, repaired, licensed, manufactured, distributed, wholesaled, marketed, designated, and supplied component parts for the Pinnacle hip replacement system placed in Plaintiff, MARILE ARAGON.

At said time and place and while the plaintiff was using said product in a reasonably foreseeable manner, said product failed and the plaintiff, MARILE ARAGON, was injured as a direct and proximate result of thereof, resulting in severe and serious injury to her person, all to her damage in a sum within the jurisdiction of this court, and to be shown according to proof.

The direct and proximate cause of said failure and plaintiff's injury was a defect in the design, manufacture, production, and installation of said product.

The direct and proximate cause of the failure of said product was the negligence, carelessness, unlawfulness, recklessness, and wantonness of the defendants, and each of them, in the manner in which they designed, manufactured, marketed, distributed, installed, inspected, purchased, maintained, controlled and handled said product.

 EX-3. The amount of exemplary damages sought is a. not shown, pursuant to Code of Civil Procedure section 425.10. b. \$

Page 1 of 1

Code of Civil Procedure, § 425.12 www.courtinfo.ca.gov Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 10 of 14 PageID 458Mg^{00(A)}

SHORT TITLE:

ARAGON v. JOHNSON & JOHNSON, et al

CASE NUMBER 30-2017-00955879

INSTRUCTIONS FOR USE

>	This form may be used	as an attachment to an	summons if space of	does not permit the listing	g of all parties on the summons
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If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."
List additional parties (Check only one box. Use a separate page for each type of party.):
Plaintiff
DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIOAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 to 100, INCLUSIVE

Page _____ of ____

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 11 of 14 PageID 4785 MC-025

ARAGON, et al., v. JOHNSON & JOHNSON, et al,

CASE NUMBER 30-2017-00955879

ATTACHMENT (Number): .

(This Attachment may be used with any Judicial Council form.)

EXEMPLARY DAMAGES ATTACHMENT

Page Eight

Ex-2 continued:

The dangerous condition created a reasonably foreseeable risk of the kind of injury which is hereafter alleged and the defendants, and each of them, had actual knowledge of the existence of the condition and knew or should have known, of its dangerous character a sufficient time prior to the aforesaid time and place to have taken measures against the dangerous condition.

The defendants, JOHNSON & JOHNSON, INC., DEPUY SYNTHES, DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIONAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 through 100, Inclusive, and each of them, actually knew of the defect and its dangerous nature and intentionally failed to warn either Plaintiff, MARILE ARAGON, or her surgeons prior to the surgical insertion into Plaintiff. Said conduct was reckless, wanton, illegal and malicious and their malfeasance and nonfeasance justify the awarding of punitive/exemplary damages.

As a direct and proximate result of the negligence, carelessness, unlawfulness, recklessness, and wantonness and the dangerous condition created thereby, the following occurred: product failed requiring another surgery and resulting in debilitating lifelong injuries.

As a direct and proximate result of the negligence, carelessness, recklessness, wantonness and unlawfulness of defendants, and each of them, and the resulting failure, as aforesaid, plaintiff, MARILE ARAGON, sustained severe and serious injury to her person, all to plaintiff's damage in a sum within the jurisdiction of this Court and to be shown according to proof.

By reason of the foregoing, this plaintiff has been required to employ the services of hospitals, physicians, surgeons, nurses and other professional services and plaintiff has been compelled to incur expenses for ambulance services, medicines, x-rays, and other medical supplies and services. Plaintiff is informed and believes, and thereon alleges, that further services of said nature will be required by plaintiff for an unpredictable period in the future, all to the damage of plaintiff in an amount to be shown according to proof.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

_ of _ Page ___ (Add pages as required)

Form Approved for Optional Use Judicial Council of California MC-025 [Rev. July 1, 2009] CEB Essential

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ATTACHMENT to Judicial Council Form www.courtinfo.ca.gov

Case 3:11-md-02244-K Document 1261 Filed 10/11/22 Page 12 of 14 PageID 4785 Inc-025

SHORT TITLE:
- ARAGON, et al., v. JOHNSON & JOHNSON, et

CASE NUMBER: 30-2017-00955879

ATTACHMENT (Number):

(This Attachment may be used with any Judicial Council form.)

EXEMPLARY DAMAGES ATTACHMENT

Page Nine

Ex-2 continued:

At the time of the injury, as aforesaid, plaintiff, MARILE ARAGON, was regularly and gainfully employed; by reason of the foregoing, plaintiff has been unable to engage in her employment for a time subsequent to said accident and plaintiff is informed and believes, and upon such information and belief, alleges that she will be unable to work in her said employment for an indefinite period in the future, thereby suffering a loss of earning capacity, all to plaintiff's damage in an amount to be shown according to proof.

Defendants, JOHNSON & JOHNSON, INC., DEPUY SYNTHES, DEPUY ORTHOPEDICS, INC., DEPUY MITEK, DEPUY PRODUCTS, INC., DEPUY INTERNATIONAL LIMITED, JOHNSON & JOHNSON SERVICES, INC., and DOES 1 through 100, Inclusive, did the things herein alleged with an intentional, reckless and wanton disregard of the safety of plaintiff, and said acts were done maliciously and oppressively. Plaintiff is therefore entitled to exemplary or punitive damages in an amount to be shown according to proof.

By reason of the said injuries suffered and sustained by plaintiff's wife, plaintiff has been deprived of love, companionship, affection, society, sexual relations, and solace of his wife, all to plaintiff's further damage.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ____ of ____ (Add pages as required)

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PROOF OF SERVICE

I am employed in the County of Orange, State of California; I am over the age of 18 and not a party to the within action; my business address is 2070 North Tustin, Santa Ana, CA 92705-7827.

On September 30, 2022, I served the foregoing; SUMMONS ON FIRST AMENDED COMPLAINT AND FIRST AMENDED COMPLAINT; on the interested parties as follows:

<u>By Mail</u>: By placing true copies thereof enclosed in sealed envelope(s) with postage thereon fully prepaid, in the United States mail at Santa Ana, California as follows:

By Overnight Delivery: I caused such envelope(s) to be delivered via "next day" delivery to the following addressee(s):

By Facsimile: By causing said documents to be transmitted by Facsimile machine to the number indicated after the address(es) set forth below:

By Personal Service: I caused such envelope(s) to be
delivered by hand to the following addressee(s):

ONLY BY ELECTRONIC TRANSMISSION: Only by e-mailing the document(s) to the persons at the e-mail address(es) listed based on notice provided on March 18, 2020 that, during the Coronavirus (Covid-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mails. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

PLEASE SEE ATTACHED SERVICE LIST

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States postal service on that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed on September 30, 2022 at Santa Ana, California.

Chars Williams

SERVICE LIST

Terri L. Bruksch, Esq. BARNES & THORNBURG LLP 11 South Meridian Street Indianapolis, IN 46204 317/231-7246 Email: Terri.bruksch@btlaw.com

Attorneys for Defendants